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# Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# South Sudan: the UN Human Rights Council must support international efforts to address the dire situation

Atrocities have been committed by both parties to the conflict in South Sudan, including ethnically motivated attacks on civilians constituting war crimes and crimes against humanity. The cycle of violence is spiraling out of control, and humanitarian actors have rung the alarm that widespread famine looms. The virtual total impunity enjoyed by perpetrators of serious violations and abuses has had the pernicious effect of fostering even more violence.

Reports have been released, including by the United Nations Mission in South Sudan (UNMISS)[1], on violations and abuses perpetrated in a conflict that has forced over one million people to flee their homes and driven the world's youngest country to the brink of a humanitarian disaster.

According to UNMISS, 4.9 million people in South Sudan need humanitarian assistance and the country faces the worst risk of famine in Africa since the mid-1980s, with some 3.7 million people at a high risk of food insecurity in the coming year. The conflict prevented many farmers from working during planting season. Now that the rainy season has begun, many roads are impassable preventing the distribution of humanitarian aid. UNMISS and humanitarian agencies have reported restrictions on their movement and activities, harassment of their personnel by both government and opposition forces, and looting of their food supplies and facilities.

Yet, the Human Rights Council (the Council) has, to date, failed to convene in a special session that would have allowed it to be briefed without delay on the situation and to decide on the most appropriate response to prevent further violations and abuses.[2] This has been a lost opportunity to put in place regular public reporting on the situation, which is an important element of ensuring accountability.

This statement draws from Amnesty International's report 'Nowhere Safe: Civilians Under Attack in South Sudan'[3], released on 8 May 2014 and based on field research to South Sudan undertaken in March 2014. The report documents first-hand accounts from survivors of massacres, victims of sexual abuse and witnesses.

**Attacks against civilians**

The current conflict, which began on 15 December 2013, has resulted in the deaths of thousands of people, including many civilians. Over one million people are internally displaced, including some 87,000 who have sought shelter in increasingly overcrowded UNMISS bases. Other internally displaced persons are sheltering in open, rural areas without reliable access to food, water, shelter and sanitation. At least 350,000 people have fled to neighbouring countries.

Both government and opposition forces have committed war crimes, crimes against humanity and other grave human rights violations abuses. These include widespread attacks on civilians, including targeted killings based on ethnicity, executions of soldiers *hors de combat*, abduction and sexual assault of women and young girls, disappearances, destruction of homes and other civilian property, attacks on medical facilities and places of sanctuary, and looting of resources from humanitarian agencies.

In the March 2014 mission Amnesty International also collected evidence from across the country of individuals being tortured and subjected to sexual violence before they were killed, and received testimonies from survivors of sexual violence in Juba and in Pariang, Unity State, of government forces killing women by inserting sticks into their vaginas. Amnesty International also interviewed an individual leading government efforts to collect and bury bodies in Bor after government forces recaptured the town on 18 January 2014, who found that 11 of the bodies he counted showed signs of sexual violence, and one of them had a piece of wood inserted in her vagina. He also told Amnesty International that

[1] 'Conflict in South Sudan: A Human Rights Report', UNMISS, 8 May 2014
[2] See joint NGO call for a special session: http://amnesty.org/en/library/info/AFR65/004/2014/en
[3] www.amnesty.org/en/library/info/AFR65/003/2014/en

after government forces regained control, he found 18 bodies of Dinka women in and around the compound of the town's St Andrew's Cathedral, and that six of the bodies were found naked below the waist. Amnesty International also received reports from multiple sources that between 19 and 20 March 2014, three individuals were killed by government security forces in Bentiu and their bodies grotesquely mutilated. One man was found with his throat slit, his eyes gouged out and his feet cut off.

Violence continues, particularly in Jonglei, Upper Nile and Unity states, despite a cessation of hostilities agreement signed on 23 January 2014 by representatives of the government and the opposition forces (known as the SPLM/A in Opposition), in Addis Ababa, Ethiopia. Recent attacks on civilians include the events of 15-16 April 2014 in Bentiu, the capital of Unity state. According to UNMISS, upon taking Bentiu, opposition forces killed approximately 200 people who were seeking refuge at a mosque, and a further 33 people in the hospital according to Médecins Sans Frontières. The fighting resulted in a new wave of civilians fleeing Bentiu, with the number of people sheltering in the nearby UNMISS base rising from 8,000 on 15 April to 22,500 on 24 April 2014. On 17 April 2014 the UNMISS protection of civilians site in Bor was attacked by a group of armed men, resulting in at least 50 people being killed. A recommitment to the cessation of hostilities agreement was signed on 5 May, and on 9 May President Salva Kiir and Dr Riek Machar, leader the SPLM/A in Opposition, signed an agreement "to resolve the conflict". Not only were these agreements ignored by both sides, but they also did not deter forces on either side from carrying out targeted violence against civilians.

**Accountability measures**

The lack of accountability for serious human rights violations and abuses in the past has contributed to the violence that has plagued South Sudan. Already in 2012, Amnesty International had urged the Human Rights Council to support the development of robust and effective human rights and justice mechanisms in South Sudan by creating an Independent Expert mandate[4], a recommendation it reiterated in 2013. Regrettably, the Council has made no use of its preventive mandate to create one.

The almost total impunity enjoyed by perpetrators has led individuals and groups who have been affected by violence to feel that the only way to ensure punishment of perpetrators and prevention of future abuses is to take the law into their own hands and engage in reprisal attacks.

The government's initiatives towards investigations and accountability for crimes that have occurred since 15 December 2013 have not led to tangible outcomes. A board of investigation set up by the Inspector General of the South Sudan National Police Service to investigate human rights violations carried out by elements of the security forces has yet to announce results of their investigation. The Human Rights Abuses Investigation Committee established by presidential decree in mid-February 2014 had not yet started work when Amnesty International delegates were in South Sudan in March. There has been no public information about the Committee's terms of reference or of the progress it has made to date. Two investigation committees were set up by the Sudan People's Liberation Army (SPLA) Chief of General Staff on 31 December 2013, and according to SPLA spokesperson Phillip Aguer in February 2014, 100 people were subsequently arrested. However, all of them escaped during a gunfight among soldiers at the Giyada military barracks in Juba on 5 March 2014. The Director of Military Justice told Amnesty International that a General Court Martial had been set up to try soldiers for looting and killing and had started hearing cases, but he was unable to give any information on the number or status of trials.

Members of the African Union (AU) Commission of Inquiry were finally sworn in March 2014. They first travelled to Juba at the end of April and also met with South Sudanese civil society in Nairobi and Kampala in May 2014. The Commission has not yet started field investigations outside of Juba. On 15 May 2014, it issued a declaration that it is "leaning towards the creation of a hybrid court…to be established jointly by the African Union and the United Nations" to prosecute international crimes. The Commission has announced the release of an initial report for June 2014.

[4] See http://www.amnesty.org/en/library/info/AFR65/004/2012/en

**Amnesty International urges the Human Rights Council, its members and observers to respond robustly to the human rights situation in South Sudan, including by:**

- giving without further delay consideration to the situation in South Sudan, by convening in a special session or urgent debate;
- providing the AU Commission of Inquiry with an opportunity to brief the Council on its progress, initial recommendations, and any support that the Council or other UN entities could provide to support the Commission's work;
- condemning attacks on civilians and against humanitarian personnel and assets, and obstructions to the delivery of humanitarian assistance;
- calling on all parties to the conflict to grant immediate and unhindered access for humanitarian assistance to reach internally displaced persons;
- calling for the mobilization of adequate humanitarian support to ensure that the basic needs of all persons affected by the conflict are met;
- calling on the Government of South Sudan to ensure that perpetrators of human rights violations and abuses are held accountable for their actions. National investigations into human rights violations and abuses against civilians should proceed and take place under independent and impartial civilian courts rather than military courts.
- establishing regular public reporting on the human rights situation in South Sudan.